

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

ANAYA A BROUGHT,)
)
Plaintiff,)
)
v.) **Case No. 4:23-cv-00168-FJG**
)
CHEWY, INC., and)
)
KELLERMAYER BERGENSONS)
SERVICES, LLC,)
)
Defendants.)

DEFENDANT CHEWY, INC.'S MOTION TO DISMISS

In support of its Motion to Dismiss under Fed. R. Civ. P. 12(b)(6), Defendant Chewy, Inc. (“Chewy”) states as follows:

1. On January 26, 2023, Plaintiff filed her Complaint against Defendants Chewy and Kellermeyer Bergensons Services, LLC, (“KBS”).
2. In her Petition, Plaintiff alleges she was harassed and her employment terminated in violation of the Missouri Human Rights Act (“MHRA”) based on her race and sex and in retaliation for engaging in protected activity.
3. In connection with those claims, Plaintiff makes the conclusory claim that Chewy and Defendant Kellermeyer Bergensons Services, LLC (“KBS”) employed her through two other third-party staffing agencies.
4. Even taking Plaintiff’s pleaded facts as true, she has failed to state a claim against Chewy because Plaintiff has not, and cannot, plead facts supporting a claim that Chewy employed her.

WHEREFORE, for the reasons stated in this Motion and in Defendant's Suggestions in Support, Defendant Chewy respectfully requests this Court dismiss Plaintiff's Petition with prejudice against Defendant and award any other appropriate relief.

Respectfully submitted this 16th day of March, 2023.

/s/ Nicole H. Howell
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CHEWY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March, 2023, I electronically transmitted this Certificate of Service to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/s/ Nicole H. Howell

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